IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **RFA No. 1124 of 1989**

DATE OF DECISION: August 9, 2006

RAM MEHAR ...APPELLANT

VERSUS

STATE OF HARYANA ETC. ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.

PRESENT: MR. RAMESH HOODA, ADVOCATE FOR THE APPELLANT.
MR. ASHISH KAPOOR, ADDL.A.G., HARYANA.

ASHUTOSH MOHUNTA, J. (ORAL)

This order shall also dispose of RFA No.293 of 1988 and RFA No.1123 of 1989.

The appellant-claimant has filed the present appeal against the impugned judgement of Addl. District Judge, Sonepat dated 8.9.1987, by which the reference petition filed by the claimant was dismissed and the award dated 30.12.1985 passed by the Land Acquisition Collector, Sonepat was upheld.

Briefly, the facts of the case are that the State of Haryana vide Notification dated 27.7.1985, intended to acquire land situated in village Garh-Mirakpur for public purpose i.e. for construction of approach road from Yamuna river to Sonepat. The Land Acquisition Collector vide his

award dated 30.12.1985, determined the price of land as under:-

"Sr.No.	*Class of land acquired*	*Rate per acre*
1.	*Chahi*	*25000/-*
2.	*Sailab*	*15000/-*
3.	*Barani*	*10000/-*
4.	*Banjar Qadim*	*2000/-"*

Apart from the above compensation for a well which was situated in the area under acquisition was also awarded. Being dis-satisfied with the award of the Land Acquisition Collector, the claimant filed application under Section 18 of the Land Acquisition Act for referring his matter to the District Judge. On reference, the District Judge upheld the award passed by the Land Acquisition Collector.

Mr. Hooda, counsel for the appellant has placed reliance on sale deeds Exs.A-1 to A-4 which pertain to sale of land in village Palari. On the other hand, the State relied on Ex.R-2 and R-3 pertaining to sale of land situated in revenue estate of Garh Mirkpur itself, by which an average price of land comes to Rs.28000/- per acre. As the sales relied upon by the claimant do not pertain to the land acquired in village Garh Mirkpur, therefore, the same cannot be considered in preference to the sales relied by the State which pertain to the village under acquisition. Thus, no reliance can be placed on Ex.A-1 to A-4 for determining the compensation. Mr. Hooda, further argued that the Court below has erred in classifying the land in 4 categories i.e., Chahi, Sailab, Barani and Banjar Qadim. It is contended that the purpose of acquisition was one and the land cannot be categorized

under the four categories.

After perusing the impugned judgement, I am of the considered opinion that categorization of land under three categories, i.e., Chahi, Sailab, Barani, Banjar Qadim would be justified. Thus, the award of the Courts below for the Banjar Qadim type of land of Rs.2000/- is set aside and the lands under this category are awarded the same rates as that of Barani land i.e. Rs.10,000/- per acre.

With the aforementioned modification in the compensation, the appeals are disposed of.

August 9, 2006 **(ASHUTOSH MOHUNTA)**
Gulati **JUDGE**